



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

**THE CITY OF NEW YORK
LAW DEPARTMENT**
100 CHURCH STREET
NEW YORK, NY 10007

VIA ECF

Honorable Sarah L. Cave
United States Magistrate Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Grazette v. Rockefeller, et al.,
20 Civ. 965 (ER) (SLC)

Defendant's letter-motion seeking to direct the United States Marshals Service to again attempt to serve retired New York City Police Department Police Officer Ysmael Ricardo (ECF No. 112) is GRANTED.

The Clerk of Court is respectfully directed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for Defendant Ricardo. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all paperwork necessary for the Marshals Service to effect service on Defendant Ricardo.

SO ORDERED 05/25/2022


SARAH L. CAVE
United States Magistrate Judge

Your Honor:

I am the Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to represent defendant the City of New York (the "City") in the above-referenced matter. The City writes to respectfully request that the Court direct the U.S. Marshals Service to again attempt service of defendant New York City Police Department ("NYPD") Police Officer Ricardo at the address provided in the City's letter dated March 21, 2022. (ECF No. 108).

By way of background, on February 22, 2022, plaintiff filed the Second Amended Complaint ("SAC"), which names as defendants each of the four NYPD officers identified in the City's February 7, 2022 Valentin letter. (ECF No. 96). On March 3, 2022, the City requested that the Court enlarge its time to respond to the SAC until 30 days after all of the individual NYPD defendants are served with process in this action. (ECF No. 98). On March 3, 2022, the Court granted the City's request. (ECF No. 100).

On March 21, 2022, the City advised the Court and plaintiff as to the service address for defendant retired Officer Ysmael Ricardo.¹ (See ECF No. 108). Thereafter, on March 22, 2022, the Court issued a summons as to defendant Officer Ricardo, and directed the Clerk of Court to "deliver to the Marshals Service all paperwork necessary for the Marshals Service to effect service on Defendant Ricardo."² (See ECF Nos. 109, 110). On March 23, 2022, a Marshals Process Receipt and Return of Service form was docketed, noting that service upon Officer Ricardo was unsuccessful. (See ECF No. 111).

¹ Service addresses for the remaining NYPD defendants were provided in the City's February 7, 2022 Valentin letter. (ECF No. 94).

² The City notes that summonses have not yet been issued to any of the remaining NYPD defendants.

The undersigned has conferred with NYPD Legal, and has reaffirmed that the service address for Officer Ricardo provided on March 21, 2022 (ECF No. 108) is correct. Accordingly, the City believes that a second attempt at service will be successful, and respectfully requests that the Court direct the U.S. Marshals Service to again attempt service of defendant Officer Ricardo.

The City of New York thanks the Court for its time and attention to this matter.

Respectfully submitted,

Andrew B. Spears /s

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cc: **BY E-MAIL ONLY**
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